# OVERVIEW OF JUVENILE COURT

Training for HFWA Providers Working in Wyoming's Juvenile Courts

Version 1

Module 1





# Overview of Juvenile Court

#### MODULE 1

#### DISCLAIMER

This handout provides information as outlined in Title 14 of the Wyoming Statutes and is intended to provide general information about juvenile court, but is not exhaustive. Please refer to Wyoming Statutes for additional or specific information.

The information contained in this handout may not represent juvenile court practice in your community. Many things can affect practice at a local level: immediate availability of judges, parents' attorneys or guardian *ad litems*, specialization of a county or district attorney, availability of service providers or types of service/community program, and preferences or customs of local MDT coordinators.

# HOW A JUVENILE CASE STARTS

There are three (3) ways to enter the system:

- 1. Protective Custody. Applicable to abuse and neglect or Child in Need of Supervision (CHINS) proceedings.
- 2. Filing of a petition and summons with the court. Note, ultimately a petition is always filed.
- 3. Arrest or detention. Applicable in delinquency and CHINS proceedings.

## **JUVENILE COURT PROCESS AT A GLANCE**

Protective Custody/Petition Filed → Shelter Care Hearing/Detention Hearing → Initial Hearing → Adjudicatory Hearing/Trial → Consent Decree (optional) → Dispositional Hearing → Review Hearings (every 6 months) → Permanency Hearings (every year) → Appeal to the Supreme Court (optional) → Termination of Parental Rights Case (optional) → Guardianship Case (optional) → Adoption Case (optional)

## JUVENILE COURT PLAYERS

- Judge
- District Attorney (DA)/County Attorney
- Department of Family Services (DFS)

#### Overview of Juvenile Court

- Multidisciplinary Team (MDT)
- Parents
- Guardian Ad Litem (GAL)
- Court Appointed Special Advocate (CASA)
- Other Service Providers
- Attorney General (AG)
- Schools, Therapists, and Counselors (HFWA providers)
- Child(ren)
- Parent's Attorney(s)

## **District Attorney**

The DA represents the State's interest in court, not DFS. The DA decides whether to bring a case or dismiss it and files relevant legal documents. The DA can wear many legal hats and may not be an expert in juvenile proceedings.

#### Guardian Ad Litem

A GAL is an attorney appointed by the court to represent a child's wishes and best interest. This appointment is mandatory in abuse and neglect cases and discretionary in all other cases. GALs are paid by the county and State and supervised by the Wyoming GAL Division. Must be certified to act as a GAL.

# Court Appointment Special Advocate

A CASA is a volunteer that is trained and screened in accordance with national standards. The CASA is assigned by the court and serves the best interest of a child in an abuse and neglect action. A CASA is separate from a GAL and may or may not be an attorney. Only six of Wyoming's twenty-three counties have CASA programs – Laramie, Natrona, Campbell, Sheridan, Johnson, and Park.

#### Parents & Guardians

Parents and guardians must be present at all court hearings or else they are liable for contempt of court and a bench warrant may be issued. Courts may require parents to participate in case plans, attend parenting classes, or other similar activities.

# Foster & Relative Caregivers

Foster and relative caregivers must receive written notice for all court hearings, and they have the right to be heard at all court proceedings. This does not make them a party.

## High Fidelity Wraparound Providers

The court may appoint High Fidelity Wraparound (HFWA) providers to the MDT. If the court appoints a HFWA provider to the MDT, the HFWA providers must be aware of issues related to confidentially. A HFWA provider must not share any information he or she learns at the MDT meeting with other members of the HFWA team with the exception of non-negotiable court ordered instructions. The purpose of including a HFWA provider on the MDT team is to educate the MDT on the specifics of the HFWA plan and to ensure non-negotiables items from the court are included in the HFWA plan.

#### WYOMING COURT RULES

- Juvenile Justice Act WY. Stat. Ann. §§ 14-6-201 252.
- Juvenile Probation WY. Stat. Ann. §§ 14-6-301 308.
- Rules of Procedure for Juvenile Court (Rules 1-10) located at http://www.courts.state.wy.us/WSC/CourtRule?RuleNumber=54.
- Rules Governing Teen Courts (Rules 1-4) located at <a href="http://www.courts.state.wy.us/WSC/CourtRule?RuleNumber=11">http://www.courts.state.wy.us/WSC/CourtRule?RuleNumber=11</a>.

# CONCURRENT CRIMINAL & JUVENILE PROCEEDINGS

"Proceedings in Juvenile Court shall not be delayed nor stayed pending criminal proceedings in District Court or Circuit Court. This prohibition includes criminal proceedings involving the juvenile or the juvenile's parent, legal guardian or caretaker. All proceedings in Juvenile Court shall proceed pursuant to the timelines set forth by the various articles of Title 14 of the Wyoming Statutes." Rules of Procedure for Juvenile Court, Rule 10.